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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,542	01/16/2004	Daniel Deutsch	32493.CON	7122

7590 04/19/2005

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EXAMINER

ALAVI, ALI

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,542

Applicant(s)

DEUTSCH ET AL.

Examiner

Ali Alavi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 18-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Applicant's amendment filed on February 2, 2005 has been entered. Accordingly, claims 1-7 have been amended, claim 8 has been cancelled, and claims 18-25 have been added. Claims 1-7, and 18-25 are still pending.

Specification

The disclosure is objected to because of the following informalities: Description of Figure 8 is missing in the brief description of drawings. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, and 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsueh (US Pat. No 6,334,692) in view of Vriens et al (US Pat. No 5,813,753).

Hsueh discloses a light source comprising a housing (1, figs 1-4) having a connector (hole 17, col. 2, line 18) for connecting the light to a predetermined article (key ring 16, col. 2, line 18), an electrical circuit positioned within the housing (fig. 3), a light source connected to the electrical circuit (LED 4, fig. 3), and at least one switch connected in the electrical circuit (12, fig. 5) to thereby close the circuit, said connector comprises a split ring (16), said connector comprises a cord (28, fig. 9), a power source

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(10, fig. 3), and the switch is vibration switch (spring 12 acts as a vibrant switch, col. 2, lines 52-54).

Hsueh discloses the claimed invention as described above except for the LED being an Ultraviolet (UV) light emitting diode and the light housing having a fluorescent material. However, Hsueh further discloses that housing 1 is made of transparent or semitransparent material having various kinds of colors applied thereon (col. 2, lines 59-67).

Vriens teaches a light emitting device for use in lighting and/or display application including a UV LED, and a phosphor in the form of particles. The device convert the UV light to visible light using phosphors. Vriens further teaches that conversion of UV/blue light from an LED to visible light using phosphors may be more attractive than the direct application of visible LED's. Therefore, it would have been obvious to one skilled in the art to provide the housing of the decorative member of Hsueh with a fluorescent (phosphors) pigment and UV light emitting diode of Vriens to generate a visible light because it is more attractive than the direct application of visible LEDs as taught by Vriens (col. 1, lines 55-63).

Response to Arguments


Applicant's arguments with respect to claims 1 and 19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Levinson et al (US Pat. 6,299,338) teach a planar display (430) having fluorescent pigments (440) formed in any desired shapes, pattern, and designs (col. 5, lines 20-23), and at least one UV light emitting diode (410) to illuminate the fluorescent pigment which converts the UV light into visible light.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Ali Alavi whose telephone number is (571) 272-2365. The examiner can normally be reached between 7:00 A.M. to 5:30 P.M. Tuesday to Friday. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached at (571) 272-2378 or you may fax your inquiry to the **Central Fax** at (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ali Alavi
Patent Examiner
AU 2875